

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AGCS MARINE INSURANCE COMPANY,

Plaintiff,

v.

WORLD FUEL SERVICES, INC. and
WORLD FUEL SERVICES EUROPE, LTD.,

Defendants.

14-CV-5902 (PAE)

**SUPPLEMENTAL
DECLARATION OF
MARI K. BONTHUIS**

ECF Case

MARI K. BONTHUIS declares pursuant to 28 U.S.C. § 1746:

1. I am an attorney at Covington & Burling LLP, which serves as counsel to Defendants/Counterclaimants World Fuel Services, Inc. and World Fuel Services Europe, Ltd. (collectively “WFS”).

2. I make this declaration in order to place before the Court certain documents and facts in connection with WFS’s Memorandum in Further Support of Defendants/Counterclaimants’ Motion for Summary Judgment and in Opposition to Plaintiff’s Cross-Motion for Summary Judgment.

3. A true and correct copy of the Further Declaration of Line Paulsen is attached as Exhibit 1.

4. A true and correct copy of the Declaration of Mark Sarsfield is attached as Exhibit 2.

5. A true and correct copy of excerpts from the deposition of Peter Curzio, taken on November 19, 2015, is attached as Exhibit 3.

6. A true and correct copy of the Declaration of Robert Bartsch is attached as Exhibit 4.
7. A true and correct copy of excerpts from the deposition of Robert Bartsch, taken on July 15, 2015, and August 26, 2015, is attached as Exhibit 5.
8. A true and correct copy of excerpts from the deposition of David Hornaday, taken on September 4, 2015, is attached as Exhibit 6.
9. A true and correct copy of excerpts from the deposition of Alan Jervis, taken on November 18, 2015, is attached as Exhibit 7.
10. A true and correct copy of excerpts from World Fuel Services, Inc.'s Objections and Responses to AGCS Marine Insurance Company's Third Set of Interrogatories, dated September 4, 2015, is attached as Exhibit 8.
11. A true and correct copy of excerpts from the deposition of David Hornaday, taken on September 2, 2015, is attached as Exhibit 9.
12. A true and correct copy of Intertanko's Standard Tanker Chartering Questionnaire 88 (Q88) for the Ocean Pearl, dated December 18, 2012 and Bates-stamped WFS001945 to WFS001951, is attached as Exhibit 10.
13. A true and correct copy of excerpts from the deposition of Nancy Zachariades, taken on July 7, 2015, is attached as Exhibit 11.
14. A true and correct copy of an email dated July 23, 2014, from Andrew Jacob to Thomas Curran and others, which was Exhibit 50 in the deposition of Thomas Curran, is attached as Exhibit 12.
15. A true and correct copy of a "CONTRACT ORDER FOR COMMERCIAL ITEMS," Bates-stamped WFS005506 to WFS005508, is attached as Exhibit 13.

16. A true and correct copy of World Fuel Services, Inc.'s Objections and Responses to AGCS Marine Insurance Company's Second Set of Interrogatories, dated August 19, 2015, is attached as Exhibit 14.

17. A true and correct copy of Plaintiff's Third Set of Interrogatories to Defendant World Fuel Services, Inc., dated August 5, 2015, is attached as Exhibit 15.

18. I was responsible for retaining Dimitri K. Kerameus to represent WFS in its efforts to obtain discovery in Greece pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, 23 U.S.T. 2555, 847 U.N.T.S. 231, 28 U.S.C. § 1781 ("the Hague Convention"). I was referred to Mr. Kerameus by a former Covington & Burling attorney who is also an attorney in Greece and who spoke highly of Mr. Kerameus and his firm's reputation in the Athens legal community.

19. On or about July 17, 2015, I received documents from Mr. Kerameus which he had received from Marvel Maritime Ltd. ("Marvel"), one of the Greek companies to which WFS had directed a Letter of Request via the Hague Convention. *See* Dkt. 29, 30, 34.

20. On August 5, 2015, an ECF entry appeared in the docket of this case with the text "RETURN OF LETTERS ROGATORY from the Hellenic Republic, Ministry of Justice Transparency and Human Rights (answering the letter date May 11, 2015)." Dkt. 47.

21. On or about August 6, 2015, I received the attached Exhibit 16 from this Court. Exhibit 16 is the Greek court's response to the Letter of Request directed to Oceangold Tankers Inc. ("Oceangold"), the other Greek company from which WFS sought discovery under the Hague Convention. Dkt. 31, 32, 34. Oceangold and Marvel are closely related entities with common management.

22. During the month of August I spoke with a clerk in this Court's chambers who informed me that he had not received a response to the Letter of Request directed to Marvel like the response that is Exhibit 16. My Managing Clerk, Colin Doyle, also spoke several times with individuals in the Court of Clerk's office and was informed that that office had not received a response to the Letter of Request directed to Marvel and had no way to track such a package.

23. On August 27, 2015, I informed counsel for AGCS Marine Insurance Company ("AGCS") by email that the documents responsive to the Marvel Letter of Request had been lost in the mail between Greece and New York. A true and correct copy of that email is attached as Exhibit 17.

24. On August 27, 2015, I sent copies of the Marvel documents that I had received from Mr. Kerameus to counsel for AGCS Marine Insurance Company. For the convenience of the parties, I caused the Bates-stamp prefix "MARV" to be affixed to the Marvel documents that were provided. A true and correct copy of the email by which the documents were sent is attached as Exhibit 18.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 29, 2016 in New York, New York.

/s/ Mari K. Bonthuis
Mari K. Bonthuis